

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 13

Louis Joseph Paini,

Case No.: 19-73995-reg

Debtor.

-----X

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the annexed affirmation of RICHARD F. ARTURA a motion will be made as set forth below:

JUDGE: Hon. Robert E. Grossman

RETURN DATE AND TIME: September 11, 2019 at 9:30 am

PLACE: U.S. Bankruptcy Court  
290 Federal Plaza, Courtroom 860  
Central Islip, NY 11722

RELIEF REQUESTED: An Order to enter into the Loss Mitigation Program  
and for such other relief as this Court deems just.

Dated: July 19, 2019  
Lindenhurst, New York.

Richard F. Artura, Esq.  
Phillips, Artura & Cox  
Attorneys for Debtor  
165 South Wellwood Avenue  
Lindenhurst, New York 11757  
(631) 226-2100

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 13

Louis Joseph Paini,

Case No.: 19-73995-reg

Debtor.

-----X

**AFFIRMATION IN SUPPORT**

Richard F. Artura, an attorney duly admitted to practice before this Court affirms under the penalty of perjury as follows:

1. I am the attorney for the debtor, Louis Joseph Paini, and submit this affirmation in support of his application to enter into the Loss Mitigation Program.
2. The Debtor filed a petition under Chapter 13 of the Bankruptcy Code on June 3, 2019, with the intention to modify the mortgage secured against 31 Milldown Road, Yaphank, New York 11980.
3. The Mortgage is currently held by Wells Fargo, account ending in #8980, with an estimated payoff balance of \$381,109.00.
4. Based upon Schedules I & J of the Debtor's petition, a copy of which is attached hereto as Exhibit "A", and including Debtor's income from wages and his wife's income from social security; I believe that the Debtor has sufficient income to succeed in obtaining a modified mortgage.
5. As stated in the plan, the proposed modification terms are as follows: "All arrears, including all past due payments, late charged, escrow deficiency, legal fees and other expenses due to the mortgagee totaling **\$381,109.00**, may be capitalized pursuant to a loan modification. The new principal balance, including capitalized arrears will be **\$381,109.00**, and will be paid at

3% interest amortized over 40 years with an estimated monthly payment of \$2,468.00 including interest and escrow of \$1,100.00.

6. Attached as Exhibit “B” find a Loss Mitigation Request by Debtor

**WHEREFORE**, the Debtor respectfully requests that this Court allow this case to enter into loss mitigation with such other and further relief as the Court may deem just, proper, and equitable.

Dated: July 19, 2019  
Lindenhurst, New York

S/Richard F. Artura, Esq.  
Richard F. Artura, Esq.  
Attorney for Debtor(s)  
165 South Wellwood Avenue  
Lindenhurst, NY 11757  
631-226-2100

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X

In re:

Chapter 13

Louis Joseph Paini,

Case No.: 19-73995-reg

Debtor.

ORDER

-----X

APPLICATION HAVING BEEN MADE to this Court by Louis Joseph Paini, by his attorney, Richard F. Artura, by notice of motion for an Order allowing this case to enter into the Loss Mitigation Program; and due notice of said application having been given to the United States Trustee, the Chapter 13 Trustee and the mortgagee, and the matter having come on to be regularly heard before the Court on September 11, 2019; and Richard F. Artura, Esq., appearing in support of said motion; and no one appearing in opposition thereto and after due deliberation and for cause; it is

ORDERED that the motion be and hereby is granted, and it is further,

ORDERED that the case be authorized to enter into the Loss Mitigation Program until further order of this Court.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

---

In re

**CHAPTER 13**

Louis Joseph Paini,

**Case No.:** 19-73995-reg

Debtor(s).

---

***NOTICE OF MOTION***

---

**PHILLIPS, ARTURA & COX  
Attorneys for Debtor(s)  
165 South Wellwood Avenue  
Lindenhurst, NY 11757**

---

Service of a copy of the within is hereby admitted.

Dated: \_\_\_\_\_

Attorney(s) for

---

**SIR: PLEASE TAKE NOTICE**

**[ ] NOTICE OF ENTRY:** that the within is a (certified) true copy of a \_\_\_\_\_ duly entered in the office of the clerk of the within named court on \_\_\_\_\_

**[ ] NOTICE OF SETTLEMENT:** that an order \_\_\_\_\_ of which the within is a true copy will be presented for settlement to the HON. \_\_\_\_\_ one of the judges of the within court, at \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_

*Certified pursuant to 22 NYCRR Part 130-1.1-a*

**Dated:**

**Yours, etc.,**

**TO:**

---

**BY: Richard F. Artura, Esq.  
Phillips, Artura & Cox  
165 South Wellwood Avenue  
Lindenhurst, NY 11757  
(631) 226-2100**

**Attorney(s) for:**